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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,687	05/31/2001	Patricia Kesling	2700.0002C	8151
27896 7590 06/25/2008 EDEL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			EXAMINER DEAN, RAYMOND S	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			06/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Response to Amendment*

1. The reply filed on March 27, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment filed on March 27, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Newly submitted claims 76 – 106 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims are directed toward receiving satellite broadcasts, which is distinct from charging a sponsor a fee for broadcasting an advertisement and charging the sponsor a fee for broadcasting an advertisement in the context of evaluating the effectiveness of broadcast advertisements. The limitations of claims 76 – 106 are not directed at all towards charging the sponsor fees for broadcasting an advertisement or charging the sponsor a fee for broadcasting an advertisement in the context of evaluating the effectiveness of broadcast advertisements. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 76 – 106 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS,

whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Primary Examiner, Art Unit 2618

Raymond S. Dean  
June 12, 2008

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/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618